IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 303/2006
(Champa Vs. State of Rajasthan & Ors.)

Date of Order : 13/10/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. B.P.Mathur for the petitioner.
Mr. Ashok Upadhyay, public prosecutor for the State.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner seeks a direction to non-petitioner No.3 S.H.O. Police Station, Gida, district Barmer to register first information report on an application submitted by the petitioner to the non-petitioner No.2 Superintendent of Police, Barmer dated 7.9.2005.

I have heard learned counsel for the petitioner and learned public prosecutor.

In compliance of the order 04.4.2006, learned public prosecutor has filed the relevant material including the report submitted to the Superintendent of Police, Barmer by the

petitioner on 7.9.2005 which bears the signature of the Superintendent of Police, Barmer. It appears from the report that the report was forwarded to the S.H.O. Police Station, Gida by the Superintendent of Police, Barmer for necessary action. This shows that the report filed by the petitioner before the Superintendent of Police has been received by the S.H.O. Police Station, Gida, yet instead of registering the first information report and investigating the matter, the concerned S.H.O. Proceeded to file a complaint against the non-petitioners No. 5,6 and 7 under Section 107, 116 (3) Cr.P.C. in the Court of Tehsildar and Executive Magistrate, Headquarter-Baytu.

On bare reading of the report lodged by the petitioner with the Superintendent of Police, Barmer on 7.9.2005, it prima-facie discloses the cognizable offences of house trespass in order to commit the offence punishable with imprisonment as also attempt to rape punishable under Section 376/511 IPC as also offence under the provisions of SC/ST (Prevention of Atrocities) Act, 1989. In the circumstances, therefore, it is expedient to direct the non-petitioner No.3 S.H.O. Police Station, Gida, district Barmer to register the crime report on the basis of the report lodged by the petitioner with the Superintendent of Police, Barmer dated 7.9.2005 which is available with the said police station as evident from the record and investigate the matter.

With the above directions, the petition stands disposed of.

(H.R.PANWAR),J.

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